GREENWOOD & STREICHER, LLC

1600 SCRIPPS CENTER
312 WALNUT STREET
CINCINNATI, OHIO 45202-4038

(513) 943-4200 GREENWOODSTREICHER.COM

October 15, 2013

Jim Neil Hamilton County Sheriff Hamilton County Sheriff's Office Hamilton County Justice Center, Room 110 1000 Sycamore St. Cincinnati, OH 45202

Re: Performance Audit

Dear Sheriff Neil:

We have completed our extensive review of the Hamilton County Sheriff's Office, and are tendering you our initial report. This report will provide an overall summary of the performance review's findings and an assessment of HCSO at the time of the transition between administrations. This principal report will be supplemented by a series of individual reports for each of the divisions of your office.

We believe that this assessment will assist you in enhancing public safety, bettering the relationship between your staff and stakeholders, and enhancing accountability, and we are honored to be part of that process.

Sincerely,

Scott T. Greenwood

Thomas H. Streicher

Executive Summary

Upon assuming office in January 2013, Sheriff Jim Neil initiated both internal and external assessments of operations of the Hamilton County Sheriff's Office. This report is the product of that external review. The purpose of this assessment was to evaluate the operations, structure, and performance of the HCSO in both absolute terms and against nationally recognized models and standards for law enforcement and corrections agencies.

This report reflects an assessment of the agency at the time of transition. During the pendency of the review, HCSO began to undertake immediate structural and programmatic changes to enhance the operations of the agency; those changes are not the subject of this review.

Our review was comprehensive, and touched all facets of the HCSO. We have identified two themes that run throughout the agency.

Theme 1: HCSO Staff Are Highly Disciplined and Resilient

Theme 2: The HCSO Was Static and Highly Resistant to Change

Three principal issues also run throughout every aspect of the operations of HCSO. These issues are remarkably consistent from division to division, and from line officers to supervisors.

Issue 1: Staffing

Issue 2: Technology

Issue 3: Training

We strongly recommend that the Sheriff, his command staff, the County Commission and Administration, and other County stakeholders work collaboratively and forcefully to address these three over-arching issues as HCSO transitions to new leadership and a new direction as a professional, non-political law enforcement, corrections, and public service agency.

Introduction and Overview

Sheriff Jim Neil assumed office in January 2013 after a quarter-century under the previous administration of former Sheriff Simon Leis, Jr. Expressing a strong desire to transform HCSO into an efficient and effective twenty-first century law enforcement, corrections, and public service agency that performs its mission with enhanced accountability, transparency, and legitimacy, Sheriff Neil retained us to conduct a performance review or "audit" of the operations, structure, and performance of the HCSO at the time of the transition in both absolute terms and against nationally recognized models and standards for law enforcement and corrections agencies.

Process and Methodology

Our review was comprehensive, and touched upon all facets of the HCSO. We had unprecedented access to all divisions, units, and personnel of the HCSO. Staff were specifically encouraged to speak with us both on and off the record and to direct concerns, suggestions, and ideas to us throughout the evaluation process.

We looked at the agency from a macro-level, with emphasis on HCSO's major organizational components. The review focused on determining both process and outcome evaluations, allowing us to help identify strengths and weaknesses within the HCSO.

Our review included interviews of current and former HCSO members and other employees within Hamilton County agencies, as well as stakeholders and citizens who are served by the agency. We spent over 250 hours of time speaking with over one hundred different personnel and stakeholders. We attended command staff meetings, budget meetings, and labor meetings as well.

We also reviewed HCSO's general orders, policies, procedures, internal operating procedures, as well as budget and financial information for the preceding five budget cycles.

command staff, and adopt and incorporate fundamentally different processes and ways of performing their duties than most law enforcement agencies. This is a key advantage, and we have no doubt that both sworn and non-sworn HCSO members will readily and rapidly implement chosen reforms and changes.

Theme 2: The HCSO Was Static and Highly Resistant to Change

This second theme is directly related to the first. The HCSO is organized in a paramilitary structure, as are traditional law enforcement agencies. While that is certainly the starting point, it can also be an obstacle. As a result of the emphasis on discipline and an unchanging culture, the HCSO was extremely rigid in all aspects of its structure, operations, staffing, resource allocation and use. This kept the agency largely frozen in time and prevented it from adopting modern policing and corrections best practices, training, implementing different methods of programming and policing, and utilizing best-in-class -- or sometimes even any -- solutions to enhance its business operations.

Structure

The structure at the time of the transition had an enormously negative impact on career HCSO employees. The command staff was comprised exclusively of personal and political associates of the former sheriff, some with no true law enforcement experience except at that level. Almost no career employees were promoted above the rank of lieutenant, despite advanced training including degrees and other training (e.g. Southern Police Institute) directly related to their careers. At the time of the transition, an entire command tier simply disappeared. Moreover, assignments within HCSO were usually for the duration of one's career, with very few reassignments to other divisions, units, or roles within the agency. As a result, while current staff may be extremely well versed in their particular job duties, they have not been given exposure to other aspects of the agency's operations, siloing them and making it impossible for them to acquire the skills sets that they would need to advance.

The failure to identify, train, and promote up and coming leaders to positions of increased authority and responsibility caused the agency to lose talent and prevented mid-level supervisors to reach their true potential. This caused what one command staff member referred to as "The Lost Generation": people who retired before being given positions of responsibility and authority, despite obvious talent.

The structure also omitted core functions common to and necessary for all professional law enforcement agencies. HCSO does not have any inspection function or division, nor did it have a planning or research function or division.

The inspections function is mission-critical in any law enforcement agency. In involves the examination of all agency operations for efficiency, safety, effectiveness, policy compliance, and adequacy of management controls.

Research and planning functions are also missing from the HCSO, and they too are mission-critical. Even small law enforcement agencies routinely have a small planning division, and in most agencies, planning is a key function under the direct supervision of a member of the command staff. Planning and research divisions typically are responsible for creating agency-wide strategic plans, researching and developing programs within and with other agencies, conducting research on a variety of subject areas, serving as the focus of activity for external funding opportunities, developing and standardizing department general orders, policies, procedures, and standard operating procedures, ensuring adherence to professional standards, and process mapping the operations of the agency.

These structural deficiencies are glaring, and have had major ramifications throughout the HCSO. They help explain the manifestation of profound training deficiencies; outdated general orders, policies, procedures, rules, and regulations; the lack of standard operating procedures for most agency functions and job roles; as well as other glaring deficiencies.

Operations

The rigidity of the HCSO also impacted its operations. "It's always been this way," "good idea, we won't be using it," "he wants it this way, period," "they're Hamilton County Sheriff deputies, they don't need any other training" were common refrains we heard from multiple people in the review process.

As discussed immediately above, HCSO lacked inspections and planning/research sections, virtually inconceivable in an agency of its size. As a result, HCSO has never had a mission or values statement to provide operational guidance to the agency and its personnel.

Failure to articulate a clear strategy for the operation of the agency has had serious consequences. Because there is no expressly articulated mission or values statement, personnel conduct the operations of the agency in a purely practical sense — accomplishing the objectives of each individual task without a view to what the larger picture is. In law enforcement or military terms, they are behaving tactically but not strategically. As a result of the prior administration's unexplained failure to develop a strategic vision for the HCSO, there is no overarching strategy designed as a proactive approach to all divisions in the agency, such as evidence-based decision-making, intelligence-led policing, community problem-oriented policing, or hot spot policing.

The rigidity of the agency is reflected in its general orders, policies, and procedures. Most of these have been untouched for twenty years or more, despite obvious deficiencies. One general order was only recently changed after an ugly incident that is currently the subject of litigation, but most general orders and policies have gone without review or change for two decades or more. This is unacceptable and can lead to enhanced exposure and liability. To correct it, we recommend that HCSO pursue certification by CALEA and the ACA.

One of the worst outcomes of this aspect of the rigidity of the HCSO at the time of the transition was caused by the agency's refusal to use the Hamilton County Prosecuting Attorney's office as its legal counsel. The most glaring result of the refusal to use the Prosecuting Attorney as counsel is a patchwork of contracts with townships and municipalities in Hamilton County. Each is different, and as a result, HCSO is delivering services in an inconsistent way depending upon the preferences and dictates of the townships and municipalities contracting with them. In some patrols, deputies are required to use three separate radios as a result, which is inconsistent with public safety. Other contracts require specific vehicle modifications and force options. This is unacceptable, inconsistent with best practices, and makes providing police services unnecessarily challenging. Each contract in the future should be for the provision of HCSO policing services as determined by the agency itself at a uniform rate and with uniform equipment, force options, and policies.

Training

The agency's resistance to change also severely impacted training. What training beyond the initial academy that did occur vanished with the 2008 budget cuts. Even before, staff indicated that command staff and the officeholder derided and devalued any training beyond the minimum, with annual "training" consisting of a weigh-in, obstacle course, and firearms recertification. As a result of this hostility, staff did not receive training updates in use of force, defensive tactics, or changes in the law. A mid-level supervisor indicated that in his twenty-plus year career, he has never had updated use of force training beyond the initial academy. This is inconsistent with best practices and exposes the HCSO, the County, and officeholders to unnecessary legal liability.

Administration and Business Operations

Nowhere is the agency's resistance to change more clearly evident than in its refusal to adopt commonplace, routine, or best-in-class technology in the administration and business operations of the HCSO. We must characterize this as beyond simple rigidity. It was instead overt hostility to and fear of twenty-first century technology commonly used by the private, non-profit, and public sectors.

In the long term, that hostility and fear require higher staffing levels and utilize more resources than necessary.

At the time of the transition, there was no routine external email capability. The sheriff and chief deputy did not even utilize email, commonplace since 1995.

This attitude is reflected in the administration's own operations. Staff manually check computations -- on printing calculators -- that are already done by banking systems, financial software, and spreadsheets. The overwhelming majority of this data is from sources already inside Hamilton County government -- from the auditor, recorder, common pleas and municipal courts -- and yet the HCSO practice is not to flow that data through but to distrust it. One unit head specifically told us that they choose to use as little technology as possible because she simply does not trust computers -- despite being the head of a unit that is arguably the place in the agency which should be using technology the most. Despite backlogs of up to five months, and outcries from the courts, banks, real estate agents, and homeowners, HCSO continues to utilize an enormous bound paper book the size of a table as a single ledger for all real estate foreclosures and related transactions. As a necessary result, only one person at a time can work in what staff colloquially refer to as "The Book." That single repository for enormous amounts of financial and other information belongs to the eighteenth century. not the twenty-first.

Consistent Issues Permeate All Aspects of the Agency

Our review also identified three principal issues that run throughout every aspect of the operations of HCSO. These issues are remarkably consistent from division to division, and from line officers to supervisors. To be clear, these are the three issues that we have identified as most pressing, and that HCSO staff almost universally are clamoring to address to transform the agency.

They are the single largest issues the agency faces, and HCSO and the County Administration will have to address them thoroughly and forcefully moving forward.

Issue 1: Staffing

Our review concludes that there are four principal staffing-related issues that permeate the agency. They include desires for more staff, staff advancement and assignment, technology's impact on staff, and staff discipline / morale. All of these are interrelated, and necessarily must be discussed together.

Staffing is an issue almost universally raised by HCSO personnel in our discussions with them. A half-decade of continuous reductions in force have left the HCSO with a truly bare-bones staff. There is no fat or even meat left to cut, and any further reductions in staff will cut bone -- the structure of the agency itself. Further reductions in staff in the most critical divisions will decrease public safety, expose the County to huge and unnecessary potential liability, and further reduce the effectiveness and efficiency of HCSO's operations, with ripple effects throughout other county agencies and law enforcement agencies.

Staffing levels

Most of the HCSO personnel with whom we spoke expressed their thoughts on staffing in absolute terms — the number of people or FTE's necessary to perform a given function in the agency in the manner in which it has always been done. This is largely a product of the rigidity and resistance to change that we observed, and reflects a sense that staffing levels are driven by available funds budgeted. Fewer funds, fewer people; more funds, more people.

In reality, staffing levels for the HCSO have been thought about in the wrong way. Rather than budget for the staff needed to perform a function in the appropriate way, supervisors have set the number to what is available without questioning the status quo or how a given function or duty should be performed.

Our review determined that two key divisions have staffing levels that have the most urgency for the HCSO and the County. These are corrections and enforcement. Other divisions have staffing levels that can and should be determined not by what is available but by what is possible and necessary.

In the corrections division, the baseline for staffing is 291 personnel, down from 314 in 2008. There is no data to support this baseline, and no personnel could direct us to any determination that the baseline staffing level was appropriate or consistent with best practices. Indeed, the baseline seems to have been determined arbitrarily by one person over twenty years ago, and no records exist as to how that process occurred.

Bluntly, HCSO is one serious confrontation away from a catastrophe -- a riot, or a deputy, civilian employee, visitor, or an inmate killed -- due its understaffed correctional facilities. Security inside the HCJC is severely limited due to budget constraints, leading to significant risks to civilian employees, deputies, inmates, and visitors. A single deputy monitors recreation time for up to 100 inmates. Housing units routinely have a single deputy in the control room, with a rover theoretically moving between the two towers. Civilian staff work in work areas in close physical proximity -- across a desk in a closed room -- to even violent offenders. The physical design of the HCJC permits entirely too much interaction among inmates, civilians, visitors, and other personnel. Attorneys and non-deputy County personnel have also inexplicably used the recreation facilities at the same time as inmates.

HCSO needs to set staffing levels for corrections not at the <u>minimum</u> level, but at the <u>necessary</u> level to ensure deputy, civilian, and inmate safety. It should consult the ACA for information necessary to determine and implement that appropriate level.

In the enforcement (previously patrol) division, staffing levels present a very different problem. The overwhelming majority of deputies in the enforcement division are assigned contractually to the townships and other municipalities in the County utilizing HCSO services. Contractually, the HCSO cannot reduce these positions. Accordingly, any staff reductions in the enforcement division have fallen disproportionately on general patrol deputies, making it possible that calls for service could simply not be responded to. This is an untenable possibility.

The felony warrants unit in the court services division also has obvious staffing deficiencies. Inmates who are brought in from the field on felony warrants, or who surrender themselves, are simply cuffed to standard, easily-moveable office chairs in an open space filled with primarily civilian employees (and open to the public at the front desk). On our review visit, inmates were located in between felony warrant unit officers and a flimsy cabinet made of thin

wood paneling, marked and serving as an armory filled with weapons, including long guns and sidearms, and ammunition -- an immediate security issue. Inmates and wanted felons simply cannot be three-eighths of an inch from accessing firearms. A junior officer has supervised this unit since the transition, when its command-level supervisor also retired without any succession plan in place. Clearly, staffing for this unit is below that which is necessary to ensure safety to the employees of the agency as well as visitors.

The remaining divisions present a more complicated question. Due to the resistance to change and ever-declining budgets, supervisors were inclined to answer that staffing should be what it was before cuts. This is neither a programmatically or data-driven approach, and assumes that the earlier status quo reflected the best way of doing business.

It does not. Every job function in these HCSO divisions should be reviewed to determine whether it is performed in the optimal way. Some examples of the staffing issues we determined are ripe for this type of review are:

- Employees spending half-days in one location and function, with the remainder of the day spent in another physical location and function;
- Employees manually inputting or searching for information using paper or non-automated workflows;
- Employees manually assessing and researching returning inmates for security classification;
- Employees manually reconciling bank records for checks they themselves issued;
- Employees calculating figures by hand using elderly tape-printing calculators rather than using modern banking, financial, and human resource management software;
- Multiple employees performing the same function in the fleet unit, and as many as ten different employees doing their own individualized procurement instead of department-wide.

The staffing level issues are necessarily linked to staff morale and the impact of technology on staff. Assumptions about staffing levels in these divisions of HCSO have never taken into account the ability for technology to reduce the need for heavy use of human resources to perform functions better done by systems and processes. The agency must assess the need to reduce overreliance on humans and harness technology in ways that make the operations of the agency much more effective and efficient. Currently overworked and harried

staff, primarily non-sworn, can be reassigned, and the agency can achieve cost savings through attrition.

An example of this can be seen in another government agency. In the U.S. District Court Clerk's office, the army of personnel once need to staff a office dedicated to collecting, retaining, and managing vast amounts of paper has virtually disappeared with the universal adoption of electronic filing and case management.

Staff advancement and assignment

At the time of the transition in administrations, most career HCSO personnel were in assignments they had had throughout their careers. There was little true mobility from division to division, or even within units in a given division. Personnel were usually in the same assignment, o had at most one transition to a different position.

This practice failed to cross-train employees, with predictable results. Individual employees may have acquired significant expertise in their given job, but because they were essentially siloed, were largely ignorant of and disconnected from the overall operations of the HCSO. With the change in administrations, the departure from internal affairs of the major and captain — the only two staff beyond a secretary shared with another unit — left the HCSO without <u>any</u> institutional knowledge about the protocol and importance of the proper conduct of an internal affairs investigation.

Career staff were also almost never able to advance beyond the level of lieutenant, leaving many talented personnel to retire when they should have been in positions of increased responsibility. One command staff member described the culture as one of personal entitlement, which was "severe" at the command level, with no sense of the need for or benefit of generational change or development. As a result, the HCSO lacked a viable career path for up and coming law enforcement personnel committed to the profession and seeking leadership opportunities.

Issue 2: Technology

Our review indicated that the technology used in the HCSO is archaic, if it even exists. What little exists is largely ineffective or obsolete. In that regard, the agency truly resembled one frozen in the late 1980's. This is primarily caused by the past hostility to technology and the failure to allocate adequate resources to use technology to make staff more productive and deputies' jobs safer and easier.

Examples of the failure to use technology to increase effectiveness and efficiency abound. They include:

- No outside email or true connections to other county agencies;
- Systems that cannot or do not talk to each other;
- Paper-based records systems;
- Workflows that require the same data that exists in other county systems to be distrusted and manually input as many as seventeen different times;
 - No effective records management system;
 - No effective personnel management system;
 - No true internal affairs database or employee intervention systems;
- Unsupported, no longer sold, and irreplaceable software used for mission critical functions;
- Outdated financial software that is consumer and not institutional grade;
 - Purpose-built, insular databases;
 - No in-car or on-officer video;
- No objective, data-driven, criteria-based system for assessing inmates' security risks for housing placements;
- Internal IT handled by law enforcement/corrections officers and not IT professionals.

These failures to implement necessary technology significantly impact the operations of all aspects of the HCSO. At the time of the transition, command staff with email addresses could not access their mail from outside the Justice Center, even in a crisis. The property room at patrol headquarters could not communicate with the property room at the HCJC. During one visit to the records section, we heard the distinctive chime of antiquated 1990's email provider AOL and a staff member informed us that "We just got an email." HCSO also ordered 300 new desktop PCs, when many of the intended users are in the field. In the aviation unit, personnel laboriously compile flight data on paper and then input it into a stand-alone, purpose-built database of sorts -- information that could easily be compiled and processed on an iPad application that sells for only \$70.00.

The agency also does not have an objective, data-driven, criteria-based system for assessing inmates due to technological hostility and failure to

recognize the overwhelming need to do so. Instead, overworked intake workers individually lookup each inmate, run manual, multiple, complete record searches using the Clerk of Court's website, determine the individual charges and convictions in those files, and then make subjective, on the fly determinations about cell placements. This exposes inappropriately matched inmates to potential danger, and the agency to potential liability. Off-the-shelf solutions are available to flow arrestee information throughout the agency and criminal justice system that would allow deputies in the field, and officers in other agencies, to input information once so that an arrestee can be assessed automatically and given a housing placement without law enforcement officers waiting hours for each booking.

Despite the modern best practice standard of in-car video systems, and emerging best-practice of on-officer video, HCSO does not utilize them, despite demonstrated reductions in use of force and complaints about law enforcement officers.

The six areas we would prioritize for immediate capital investment in technology are those that have the highest return on investment based upon decreasing potential liability and enhancing both sworn and non-sworn effectiveness. They are:

- 1. <u>Countywide workflows for all data that passes through HCSO</u>. This would radically reduce the need for clerical and other staff to input the same data into multiple County systems, and change the glacial pace of foreclosure processing overnight.
- 2. <u>Best-in-class internal affairs / EIS systems</u>. This protects the agency and public, and ensures that patterns of behavior can be detected and corrected.
- 3. <u>Inmate assessment system / RMS</u>. These decrease agency potential liability, ensure proper segregation of inmates, and get deputies and other law enforcement officers back on the street quickly, and will allow reassignment of personnel who currently do this to other duties.
- 4. <u>On-body recording systems</u>. This will decrease liability, uses of force, and complaints, and will document the truth when deputies and residents interact.
- 5. <u>Modern, institutional-grade financial and other productivity software</u>. This will decrease errors caused by personnel's distrust of computers, spreadsheet, and financial software and help make the effectiveness of the administrative and fiscal divisions what they should be.

6. Increased and expanded plan for use of EMU. HCSO has decreased jail space as a result of budget cuts, and jail space is at a premium and must be reserved for those who truly belong there. Currently, HCSO has been approved to use 100 electronic monitoring units for certain low-risk detainees and violators. Expanded use of the EMU program will free up jail space, decrease costs by shifting housing, medical care, food and other expenses to violators and arrestees instead of the taxpayer. It will allow the HCJC to be a different kind of jail and defer or even eliminate the need to pursue a long-term, larger replacement. We recommend that HCSO pay particular attention to the success of the Charlotte-Mecklenburg and Greensboro, NC Police Departments, which successfully implemented expanded EMU programs that help solve crimes, free up jail space, and reduce costs.

All of these examples of technology deficiencies are readily fixable using solutions currently available to the government and public safety sectors. In our meetings and discussions with HCSO staff, they readily embrace the need for these and other technological improvements to bring the office to today's standards, make it both more effective and efficient, and produce opportunities for cost-savings in personnel over time. Since many of them directly impact multiple other County offices and agencies, the HCSO is perhaps in the best position to serve as the technology lead agency in making not only its own, but other County offices and agencies, more effective and efficient.

Issue 3: Training

Training vanished from HCSO with the first round of budget cuts in 2008, and was shockingly devalued by the prior administration. Staff indicated a complete absence of respect for training by the officeholder and most command staff in the prior administration. HCSO staff, with the exception of two specialized units, have been inadequately trained on all aspects of policing and corrections operations, exposing them to personal danger and the agency, County, and officeholders to unnecessary potential liability. HCSO staff exhibit a thirst for needed training.

HCSO's training is institutionally deficient by any objective measure. Outside of the initial academy, there was little training to begin with. After 2008, it was the first program activity to be eliminated, which was dangerously short-sighted. Since training impacts every facet of the operation of the agency, it is imperative that training be given the prominence it needs for the HCSO to be a modern and effective corrections and law enforcement agency.

Training for law enforcement and corrections officers is one of the fundamentals. It is often said that we train our officers 90% of the time for the

10% that might happen. That 10% is the conduct in a law enforcement or corrections agency most likely to lead to danger to officers, inmates, and the public. Eliminating training when it should be emphasized is foolish and dangerous.

Our review indicates the following training deficiencies at the time of the transition:

- No use of force training;
- No defensive tactics training;
- No legal updates with opportunities to question Prosecuting Attorney's counsel;
 - No in-house academy other than a limited corrections program;
 - No physical facility for training;
 - No training department;
- Informal, district-level training that individual deputies organize due to lack of institutional training;
 - Certification lapses for previously-certified in-house trainers;
 - Inadequate less-lethal training due to cost of cartridges;
- Inadequate deadly force training, with range time restricted to as little as once per year;
 - No outside training for mission-critical functions like internal affairs;

Our review indicates that two specialized units, CIS and the bomb unit, are well-trained, and that their personnel are satisfied with their level of ongoing training.

We strongly recommend that the Sheriff and every supervisory officer in the agency reengage on the necessity of training to protect the public, deputies, and people in their care, custody, and control. Failure to do so could have catastrophic consequences for the HCSO, officeholders, and the County. Putting training back into place -- at optimal, not minimum levels -- will ensure that the HCSO meets and exceeds best practices.

Next Steps

This report is simply the first of many more. It is a 30,000-foot view of the Hamilton County Sheriff's Office at the time of the transition between administrations, and is intended to identify key areas for attention, investment, and improvement. In the coming weeks we will release more detailed subsidiary reports for each of the HCSO's principal divisions with findings and recommendations specific to them.

The Hamilton County Sheriff's Office needs significant and transformative change to become much more effective, efficient, and cost-effective. Its personnel are its single biggest asset. They are clamoring for change and an opportunity to use their knowledge, skills, training, and ideas to transform the agency and make it realize its true potential. The Sheriff's Office has the capacity to do so, and both sworn and civilian personnel have the desire, dedication, and discipline to make that a reality.